

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 14-285V
(Not to be published)

OFELIA WINTERS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Filed: July 29, 2015

Decision by Stipulation; Attorney's
Fees & Costs

Clifford Shoemaker, Shoemaker, Gentry & Knickelbein, Vienna, VA, for Petitioner

Lisa Ann Watts, U.S. Dep't of Justice, Washington, DC, for Respondent

ATTORNEY'S FEES AND COSTS DECISION¹

On April 11, 2014, Ofelia Winters filed a petition seeking compensation under the National Vaccine Injury Compensation Program. On May 13, 2015, the parties filed a stipulation detailing an amount to be awarded to Petitioner. I subsequently issued a decision finding the parties' stipulation to be reasonable and granting Petitioner the award outlined by the stipulation.

On July 27, 2015, Petitioner filed a Motion requesting attorney's fees and costs in a lump sum of \$40,361.63, in the form of a check payable to Petitioner and Petitioner's counsel. This amount represents a sum to which Respondent does not object (as indicated in Respondent's July

¹ Because this decision contains a reasoned explanation for my actions in this case, I will post it on the United States Court of Federal Claims website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (Dec. 17, 2002) (current version at 44 U.S.C. § 3501 (2014)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole decision will be available to the public. *Id.*

28, 2015, status report). In addition, and in compliance with General Order No. 9, Petitioner has represented she incurred reimbursable costs in the amount of \$32.74 in proceeding on this petition.

I approve the requested amount for attorney's fees and costs as reasonable. Accordingly, an award should be made in the form of checks in the amounts of:

- \$40,361.63 payable jointly to Petitioner and Petitioner's counsel, Clifford Shoemaker, Esq.; and
- \$32.74 payable to the Petitioner.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.